

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

WARNER BROS. ENTERTAINMENT,)
INC., et al.,)

Plaintiffs,)

vs.)

Case No. 4:06cv546 HEA

DAVE GROSSMAN CREATIONS, INC.,)
et al.,)

Defendants.)

ORDER

This matter is before the Court on Plaintiffs' Motion for Sanctions, [Doc. No. 84], Plaintiffs' Motion to Strike, [Doc. No. 86], Defendants' Motion for Leave to File Counterclaims, [Doc. No 88], Defendants' Motion for Leave to File Surreply in Opposition to the Motion for Sanctions, [Doc. No. 94], and Plaintiffs' Third Motion to Compel and Supplement to Motions for Sanctions and to Strike, [Doc. No. 101].

Needless to say, as was evident during the conference call on these motions, the Court is extremely dismayed at the magnitude and volume of discovery disputes which have occurred in this case. That having been said, it is sadly apparent to the Court that this matter will not be ready for trial by the current trial setting. As such, the current trial setting will be vacated and the trial of this matter shall be reset for

March 17, 2008 at 9:30 a.m.

With respect to the pending outstanding discovery, **Defendants are ordered** to comply with the requests within 7 days from the date of this Order. Counsel for Defendants shall personally meet with counsel for Plaintiffs within 7 days from the date of this Order with Defendants' responses. Furthermore, in that there is nothing before the Court seeking relief from appearing for a deposition by Ms. Liza Acuna, counsel for Defendants shall produce Ms. Acuna at a time and place agreeable to Plaintiffs within 21 days from the date of this Order.

Leave will be given to Defendants to file their counterclaims. These are compulsory counterclaims and would be lost if they were not raised in this action. Fed.R.Civ.R. 13. In light of the fact that the trial in this matter is being continued, Plaintiffs will be given a full opportunity to prepare their defenses to same.

The Court once again strongly admonishes Defendants that the discovery requests from Plaintiffs appear to be appropriate and any further delays will **not** be tolerated. The parties **shall** prepare a joint proposed amended Case Management Order detailing appropriate deadlines with respect to further discovery and dispositive motions based on the new trial date.

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' Motion for Sanctions, [Doc.

No. 84], is DENIED without prejudice.

IT IS FURTHER ORDERED that Plaintiffs' Motion to Strike, [Doc. No. 86], is DENIED without prejudice.

IT IS FURTHER ORDERED that Defendants' Motion for Leave to File Counterclaims, [Doc. No 88], is GRANTED.

IT IS FURTHER ORDERED that Defendants' Motion for Leave to File Surreply in Opposition to the Motion for Sanctions, [Doc. No. 94], is GRANTED.

IT IS FURTHER ORDERED that Plaintiffs' Third Motion to Compel, [Doc. No. 101], is GRANTED.

Dated this 17th day of August, 2007.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE